

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-20 are pending in the present application. Claims 1-11 have been amended to address the formal matters raised in the outstanding Official Action. New claims 12-20 have been added. Support for new claims 12-20 may be found in the original claims and in the present specification at page 4, lines 28-38.

In the outstanding Official Action, claims 1-7 were rejected under 35 USC §112, second paragraph, for allegedly being indefinite. Applicant believes the present amendment overcomes this rejection.

The Official Action alleged that claims 1-7 were indefinite for reciting a broad range and a preferred range within the same broad range in a single claim. However, claims 1-7 have been amended so that these preferred ranges have been deleted. Rather, these preferred ranges now appear in new claims 12-15.

Claims 1-6 were rejected for reciting the phrase "comprising...in". However, claims 1-6 have been amended so that this phrase no longer appears.

In addition, applicant believes the claims have been amended to provide antecedent basis for the term "paste".

Thus, in view of the above, applicant respectfully submits that the claimed invention is definite to one skilled in the art.

Claims 1-11 were rejected under 35 USC §103(a) as allegedly being unpatentable over LODGE in view of FOUACHE et al. This rejection is respectfully traversed.

The present rejection relates to the development of a low-fat fibre-enriched snack using an ingredient which limits the uptake of oil by the snack during frying while still allowing a supply of fibre capable of withstanding the high temperatures applied during the frying.

The standard maltodextrins used in LODGE are perfectly digestible by the human enzymatic system and do not therefore constitute a supply of fibre for the purpose of the present invention. Accordingly, it would not have been obvious to replace part of the maltodextrins in LODGE with branched maltodextrins disclosed in FOUACHE.

As explained in FOUACHE (cf. FOUACHE column 1, lines 15-22), the branched maltodextrins are compounds with a chemical structure which is different from the chemical structure of standard maltodextrins. Thus, the chemical structure of the branched maltodextrins confers to these molecules physico-chemical and physiological properties which are different from the ones of the standard maltodextrins.

Consequently, the skilled person would have no reason to expect that branched maltodextrins would behave the same way as standard maltodextrins. In particular, the skilled person would have no reason to expect that branched maltodextrins would limit the uptake of oil by the snack during frying.

Furthermore, hydrolyzed starch having similar functionalities (beneficial effects on health in terms of bifidogenic properties and supply of fibre) as branched maltodextrins, such as in particular the dextrin marketed by MATSUTANI under the name FIBERSOL® and described in patent EP 0 368 451 (copy enclosed) is unstable at high temperatures. This instability results in substantial and gradual hydrolysis during cooking, which generates an undesirable release of glucose and fructose. This instability would deter one using branched maltodextrins in snacks which are subjected to high frying temperatures.

Consequently, the skilled person would not expect that branched maltodextrins could withstand the high temperatures applied during the frying. Rather, the skilled artisan would be reluctant to use branched maltodextrins in a process for manufacturing snacks which are cooked by frying.

Thus, in view of the above, applicant respectfully submits that the proposed combination fails to render obvious claims 1-20.

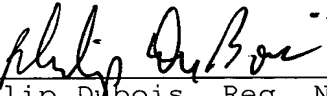
The outstanding Official Action also provided the preferred guidelines for the layout of the specification of the United States utility application. Applicant thanks the Examiner for the suggestions and amends the specification accordingly.

In view of the present amendment and foregoing remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON


Philip Dubois, Reg. No. 50,696
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

PD/lk

Appendix:

The Appendix includes the following item:

- copy of EP 0 368 451